

ANALYSIS OF ORIGINAL BILL

Franchise Tax Board

Author: Correa Analyst: Kristina E. North Bill Number: AB 1567
Related Bills: See Legislative History Telephone: 845-6978 Introduced Date: February 21, 2003
Attorney: Patrick Kusiak Sponsor: _____

SUBJECT: FTB Investigators/"Peace Officer" Status

SUMMARY

This bill would expand the:

- ♦ primary duties of certain individuals to include the enforcement of any law relating to their employing entity; and
- ♦ peace officer duties of these individuals to extend to any place in the state.

PURPOSE OF THE BILL

According to the author's office, the purpose of this bill is to:

- ♦ provide a means by which the Governor can utilize trained peace officers to prevent and combat terrorist threats or other emergencies by using already deployed public safety resources;
- ♦ combine cumbersome peace officer classifications into only two classifications; and
- ♦ provide uniform training standards for peace officers.

EFFECTIVE/OPERATIVE DATE

This bill would become effective January 1, 2004.

POSITION

Pending.

Board Position:

<input type="checkbox"/> S	<input type="checkbox"/> NA	<input type="checkbox"/> NP
<input type="checkbox"/> SA	<input type="checkbox"/> O	<input type="checkbox"/> NAR
<input type="checkbox"/> N	<input type="checkbox"/> OUA	<input checked="" type="checkbox"/> PENDING

Department Director
Gerald H. Goldberg

Date
04/15/03

ANALYSIS

STATE LAW

Under various sections of the Penal Code, current state law designates as peace officers individuals employed by various state entities. These individuals may perform their primary duty any place in the state. They also may perform other specified duties, such as certain arrests or as designated by the Governor. The employing entity may designate the primary duties of the employees and in some instances may allow the employees to carry firearms. The Franchise Tax Board (FTB) currently has 39 investigators designated as peace officers. The primary duty of these investigators is the enforcement of the criminal provisions in the Administration Franchise and Income Tax Laws (AFITL). FTB has authorized these investigators to carry firearms.

THIS BILL

This bill would reclassify state investigators to broaden their “other specified duties” as a peace officer“, allowing them to make arrests or perform other duties at the direction of the Governor any place in the state. This bill would require the primary duties of investigators to be the enforcement of the laws relating to the entity that employs them. No limitation or definition is provided for “laws relating to” the employing entity. For FTB investigators, the primary duty would remain the enforcement of laws relating to FTB. However, enforcement would no longer be limited to the criminal provisions of the AFITL. Instead, FTB investigators would be authorized to enforce any kind of law that impacts FTB, including personnel laws and other laws not currently authorized by law.

IMPLEMENTATION CONSIDERATIONS

Implementing this bill is not anticipated to significantly impact the department’s programs and operations.

Although no standardized training provisions were provided in this bill, the author’s office indicated that they are working on amendments to add such provisions.

TECHNICAL CONSIDERATIONS

This bill changes the Penal Code section that lists FTB investigators as peace officers. Government Code section 20417 provides for the retirement benefits of FTB investigators by reference to the Penal Code section under which FTB investigators are currently classified. To avoid any issues with FTB investigator retirement benefits, this section should be amended to reflect the Penal Code section change proposed by this bill.

LEGISLATIVE HISTORY

SB 951 (Johnson, Stats. 1997, Ch. 670) provided peace officer status to FTB investigators.

OTHER STATES' INFORMATION

The states surveyed include *Florida, Illinois, Massachusetts, Michigan, Minnesota, and New York*. Research of the laws of these states did not identify a comparable law as proposed by this bill. These states were selected due to their similarities to California's economy, business entity types, and tax laws.

FISCAL IMPACT

This bill would not significantly impact the department's current programs or practices.

ECONOMIC IMPACT

Revenue Estimate

This bill would not impact the state's income tax revenue.

LEGISLATIVE STAFF CONTACT

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